

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 3:17-cr-0021-RLY-MPB
)	
GERILYNN BENNETT,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On December 28, 2017, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on November 9, 2017 and a supplement petition filed on December 22, 2017. Defendant Bennett appeared in person with her appointed counsel Dominic Martin. The government appeared by Nick Linder, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Michael Burress.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Bennett of her rights and provided her with a copy of the petition. Defendant Bennett orally waived her right to a preliminary hearing.

2. After being placed under oath, Defendant Bennett admitted violations 1 and 3.
[Docket Nos. 7 and 11.]

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.”**

On October 27, 2017, Gerilynn Bennett tested positive for amphetamines, confirmed as methamphetamine.

As previously reported to the Court, Ms. Bennett admitted to using methamphetamine on May 2, 9, 10, and 29, 2017. She tested positive for methamphetamine on May 16, May 31, and June 14, 2017. She tested positive for opiates on May 3, 2017.

- 3 **“The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.”**

On November 7, November 22, and December 8, 2017, Gerilynn Bennett tested positive for amphetamines.

4. Government orally moved to dismiss violations 2, 4, 5, and 6 and the same granted.

5. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is III.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months’ imprisonment.

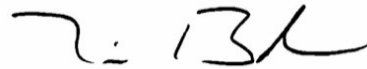
6. Parties jointly recommended a sentence of seven (7) months with no supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that her supervised release should be revoked, and that she should be sentenced to the custody of the Attorney General or his designee for a period of seven (7) months with no supervised release to

follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge further recommends that Defendant be placed at FPC Alderson with trauma counseling and drug treatment.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 01/02/2018

A handwritten signature in black ink, appearing to read 'T. Baker', is written above a horizontal line.

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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